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Docket No: AM100459
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: BURGHER, Anita; KAUP, Susan; KUHLMAN, Charles
Application No.: 10/681,489 Group Art No.: Not Yet Assigned
Filed: October 8, 2003 Examiner: Not Yet Assigned
For: INFANT FORMULA CONTAINING NUCLEOTIDES
Confirmation No.: Not Yet Assigned
Customer Number: 25291

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU947816286US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

March 18, 2003
Date

Bubinea D. Owens
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2. Identification of Time of Filing

This Information Disclosure Statement

- a. is filed within three months of the filing date of the application.
- b. is filed before the mailing date of a first Office Action on the merits.
- c. is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

3. Certification under 37 CFR 1.97(e) and 1.704(d)
The undersigned attorney certifies

- a. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- b. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.
- c. certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign application patent office in a counterpart foreign application and was not received by any individual designated in 37 CFR 1.56(c) more than thirty (30) days prior to the filing of the statement.

Newly Cited Information
A legible copy of the patents, publications or other information cited on the attached form PTO 1449 is enclosed, except that no copy of a pending U.S. application is enclosed, and if this patent application was filed or entered the national stage after June 30, 2003, no copy of a U.S. patent or U.S. patent application publication is enclosed.

Previously Cited Information
No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.
Prior application is Application Number _____, filed on _____ of _____ for _____

- Concise Explanation
Documents cited above which are not in the English Language
- a. have been explained in the specification.
- b. have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

- Fees
- Fee for filing under 37 CFR 1.97(c) or (d) Fee: \$180.00

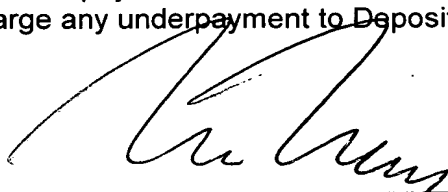
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Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/681,489
		Filing Date	October 8, 2003
		First Named Inventor	Anita Maria Burgher
		Group Art Unit	
		Examiner Name	
Sheet	1	of	1
		Attorney Docket Number	AM100459

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number (If known)	Kind Code (If Known)			
	1.	US5,602,109	A	Masor, Marc L. et al	02-11-1997	
	2.	US2002/004527	A1	O'Connor, Deborah L. et al	01-10-2002	
	3.	US5,411,751	A	Tso, Patrick et al	05-02-1995	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (If Known)				
	4.	WO	98/06277	A1	Bristol-Myers Squibb Company	02-19-1998		

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	5.	JANAS, L. M., et al, "The Nucleotide Profile of Human Milk", Pediatric Research, Williams and Wilkins, Baltimore, MD, US, 1982, pages 659-662, Vol. 16	<input type="checkbox"/>
	6.	HAMOSH, M., "Should Infant Formulas Be Supplemented with Bioactive Components Serial and Conditionally Essential Nutrients Present in Milk?", Journal of Nutrition, Wistar Institute of Anatomy and Biology, Philadelphia, PA, US, 1997, pages 971S-974S, Vol. 127, Issue 5	
	7.	CARVER, JANE D., "The Effects of Dietary Nucleotides on Intestinal Blood Flow in Preterm Serial Infants", Pediatric Research, United States, September 2002, pages 425-429, Vol. 52, Issue 3	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.